

1 WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
2 Nevada Bar No. 004417
208 South Jones Boulevard
3 Las Vegas, Nevada 89107
4 Telephone: 702 258-8200
bk@wildelaw.com
5 Fax: 702 258-8787

Electronically Filed on _____

6 Attorneys for BAC Home Loans Servicing, L.P.
fka Countrywide Home Loans Servicing L.P.
7 09-77479

8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In Re:

11 RAMIRO ROSALES HERNANDEZ
12 ROSU BUSTAMONTE ROSALES

13 Debtors.
14

Case Number 09-21996-MKN

Date: January 7, 2010

Time: 1:30 p.m.

Chapter 13

15 **SUPPLEMENTAL OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

16 COMES NOW, BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing L.P.
17 (Hereinafter "Secured Creditor") and files this Supplemental Objection to Confirmation of Chapter 13
18 Plan stating as follows:

19 Secured Creditor is the first deed of trust holder on 537 McKellar Circle, Las Vegas, Nevada
20 89119 (hereinafter "subject property"), and is owed over \$349,000.00. The Debtors have filed a
21 motion to value to reduce Secured Creditor's lien to \$124,980.00. Secured Creditor subsequently filed
22 an opposition to Debtors' motion to value – said opposition, filed on December 7, 2009, is incorporated
23 herein by reference. The Debtors' plan should not be confirmed until after the Court reaches a decision
24 on the motion to value.

25 ///

26 ///

Moreover, Secured Creditor asserts that this Court should not confirm the proposed plan because 1) there is a complete lack of disclosure by the Debtor as detailed below , and 2) it is not feasible.

A. Lack of Disclosure

Secured Creditor's opposition to Debtors' motion to value demonstrates that there are too many unanswered questions in the Debtors' attempt to treat the subject property as a rental and strip a large portion of Secured Creditor's interest in the same. The Debtors do not disclose the information necessary to answer these questions and fail to prove they are being truthful with the Court. Until the Debtors can come before this Court with more information, the Court should not confirm this plan.

B. Lack of Feasibility

The Debtors do not have sufficient income to meet their plan requirements as can be seen in a simple review of their Schedule "I" and looking at the proposed plan. Further, the Debtors do not budget for taxes and upkeep of the alleged rental property in their scheudle "J".

Until these Debtors can come before this Court with more information or income to properly fund a plan, the Court should not confirm this plan. It does not have a reasonable likelihood of success.

WHEREFORE, Secured Creditor asks that this Court deny confirmaiton and dismiss this case.

DATED this 4 day of January, 2010

WILDE & ASSOCIATES

By Michael L. Wilde #10099

GREGORY L. WILDE, ESQ.

Attorneys for Secured Creditor

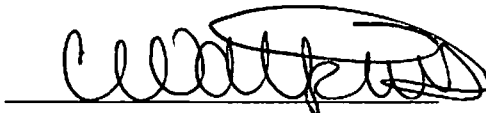
208 South Jones Boulevard
Las Vegas, Nevada 89107

Certificate of Facsimile

I certify that on January 4, 2010, I served a copy of the foregoing opposition on Debtors'

Counsel by facsimile as follows:

Jorge L. Sanchez, Esq.
Sanchez Law Group, Ltd.
Fax No. (702) 537-2800

A handwritten signature in black ink, appearing to read "Jorge L. Sanchez", is written over a horizontal line.